

REMARKS

Claims 1-34 remain in this application. Claims 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 17, 19, 24, 28, and 30 are currently being amended. Claim 2 has been canceled.

Applicant gratefully acknowledges the recognition of allowable subject matter with respect to claims 15 and 33.

Applicant is amending claims 1, 3-8, 11-14, 16, 17, 19, 24, 28 and 30 to more particularly point out the claimed invention. In particular the transmission of light through the devices in accordance with the present invention is modulated as an increasing or decreasing function of frequency over a selected bandwidth. Further, it should be noted that the frequency selective modulator can have gain associated with it or a loss. (See at least page 10, lines 20-21 in the specification).

Claim Rejections – 35 USC § 102

Claims 1, 16, 28, 31, 34 have been rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. US6282005 B1 (Thompson).

The embodiments of the present invention include a frequency dependent disperser that disperses an input optical signal to form a dispersed signal having a plurality of frequencies. Thompson does not teach or suggest or recognize the filtering ability of a device having a frequency dependent disperser, a frequency selective modulator and a frequency dependent combiner as claimed in the present invention. Thompson in column 11, lines 5-10, discloses a splitter (#152) which does not have any frequency selective properties. Further, Thompson can utilize a filter, such as described and claimed in the present invention as the element 152 (splitter) and the filters 154, 156, 158 need to be combined to function as a disperser. Please note that in Figure 5 in Thompson there is no combiner. Furthermore, the element 132 is a non-dispersive splitter and does not have to be a disperser to function as described by Thompson. The amended claims are not anticipated by the cited reference.

Claim Rejections -35 USC § 103

Claims 3, 4, 17, 29 and 30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. US6282005 B1 (Thompson).

Claim 6, 7-11, 13, 14, 18-26, 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. US6282005 B1 (Thompson) in view of Kurokawa et al. US6,122,419 (Kurokawa).

Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. US6282005 B1 (Thompson) in view of Nelson et al. US 3766392 (Nelson).

For the reasons stated herein above, the cited references do not teach, or suggest the recited claim elements. Further, the amended claims obviate this rejection.

### CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2474.

Respectfully submitted,  
BOWDITCH & DEWEY, LLP

By monica grewal

Monica Grewal  
Date: *September 3, 2003*  
Registration No.: 40,056  
Direct tel.: (508) 416-2474  
Telephone: (508) 879-5700  
Facsimile: (508) 929-3073

Bowditch & Dewey, LLP  
161 Worcester Road  
P.O. Box 9320  
Framingham, Massachusetts 01701-9320